

## Prescience and Integrity in *The Panoptic Sort*

JOSEPH TUROW

University of Pennsylvania, USA

*The Panoptic Sort* (Gandy, 2021) is a work of substantial scholarship and impressive prescience that sparks thoughts and instigates challenges as readily in the 2020s as in the decade it was published. For this short essay, I would like to focus on two aspects of the book that have ignited thoughts and challenges for me. One is Oscar's stress on social segmentation, which has forced me to better think through the concept of personalization I have been using in my recent work. The other is his refusal to end his book with a common trope: a set of public-policy prescriptions that can solve the profound social-technological problems he is describing.

Social segmentation is a key dynamic in *The Panoptic Sort* (Gandy, 2021). In his original Prologue, Oscar notes that to Michel Foucault, originator of the image that guides the book, "panoptic technology was not limited to surveillance alone but included the classification and isolation of subjects by category and type" (Gandy, 2021, p. 24). He adds that

thus, panopticism serves as a powerful metaphorical resource for representing the contemporary technology of segmentation and targeting, which involves surveillance of consumers, their isolation into classes and categories, and their use in market tests that have the character of experiments. (Gandy, 2021, p. 24)

From this jumping off point, Oscar weaves segmentation through his chapters. He ties it to marketers' activities of cluster, factor, and discriminant analysis, and he points out that the segment scoring and differential scaling emerging from such statistical gymnastics have crucial consequences for the ways companies treat different types of people. In essence, his argument (following in the footsteps of several scholars he cites) is that the statistical discrimination that marks today's panoptic sort leads to prejudicial discrimination in all areas of life. Segmentation is a key engine that drives contemporary social inequities.

I have certainly seen this dynamic of prejudicial discrimination operating in the advertising industry over the past 30 years. Yet I have been arguing in my writing that the rise in digital media has accommodated an initially gradual, then rapid, shift from segmentation to personalization. My most recent book (Turow, 2021) revolves around marketers' growing interest in profiling individuals' voices with an eye toward tailored messages, offers, and discounts that (among other potential injustices) privilege certain individuals over others. Reading through *The Panoptic Sort's* carefully reasoned paragraphs, I realized to my chagrin that in my book I do not explore closely enough the ways segmentation and personalization relate conceptually. *The Panoptic Sort* pays little attention to personalization. In one of his few references to the term, though, Oscar notes helpfully that "the same analytical technology that produces the market segment is also utilized to generate conceptual profiles against which individuals may be compared" (Gandy, 2021, p. 100). He calls these profiles ideal types and says they "define the ranges for key variables that should be used to determine whether

any particular individual should be labeled as a member of a particular group or not”—for example, by companies “to indicate when credit authorizations ought to be inspected, when bankruptcies seem likely, and when a particular offer might appear more reasonable” (Gandy, 2021, p. 100).

Based on his argument, I’ve come to agree that personalization in marketing is an extension of segmentation that increasingly takes place with digital technologies. More precisely, personalization occurs when a persuasive message for a product or service is tailored to a combination of segments that the advertiser perceives as making up a particular individual, often in real time and sometimes in response to an action by that person. Consider a woman walking down a supermarket aisle with the retailer’s app open on her phone. As she passes the diapers, the Bluetooth low energy module in that section of the store alerts company computers. Using various forms of artificial intelligence, the software assesses her age, family size, and purchase history. Determining that she recently has brought a newborn baby into her home, the company sends her phone a deep discount for a large box of Pampers through a deal with Procter and Gamble.

This sort of individual-level discrimination happens all the time, on traditional apps and websites, as well as when people interact with them in physical stores (see Turow, 2017). Kroger, the second-largest U.S. grocery chain next to Walmart, draws on its data intelligence subsidiary 84.51° to pursue what one of its executives (Cara Pratt, as cited in Brownsell, 2021) calls “our personalization science.” While much of the work still involves placing customers into relatively broad categories, Kroger boasts through quoting a Kraft Heinz executive (“Make Your Media Budgets Work Harder,” 2021) that Kroger technology on its internet properties can persuade shoppers “by serving up the right messages at the right time.” Many phone contact centers adopt a similar perspective. They approach and manage callers based on what they think the person’s voice or syntax reveals about the individual’s emotions, sentiments, and personality, often in real time. If during a call with a customer agent this biometric technology tags a person as “tense,” the computer may tell the live agent to offer a discount on the purchase, especially if the company’s records indicate that the caller is a big spender. The software can also tag a person’s sounds as indicating a certain personality type (“logical and responsible” and “creative and playful” are two categories used by NICE, a leading firm in this business; Turow, 2021, p. 96). The computer will then route the caller to a customer service representative statistically known to interact well with that type of person, including getting them to spend more than usual (Turow, 2021, p. 96).

Such activities across a multitude of digital platforms reinforce issues of prejudicial discrimination underscored by *The Panoptic Sort* (Gandy, 2021, p. 2). Advertisers’ AI programs analyze demographics, lifestyles, locations, behaviors, even voices, for signals of a person’s relative value. Individuals marked as having less value than others may receive prices, product offers, ads, employment offers, restaurant suggestions, and other life opportunities that reflect their lower utility compared to what more desirable targets receive. I would add that, accumulate such differences across the wide marketing terrain, and you have a society where individuals may rightfully worry continually about their status in society based on data they do not know is collected through technologies they do not understand and cannot control.

So what should we do, as individuals and as a society? It is a question asked by many of us who deal with topics that reflect dysfunctional or pernicious developments in the media field. The standard response, often at the end of a long article or book, is to suggest changes in one institution or another—government, business, the nonprofit sector—that if carried out could ameliorate or even solve the difficulty. Authors often

do not speculate on how realistic the chances of addressing the problem properly are. One sometimes infers that as social critics, writers feel a responsibility to support the healing possibilities of public policy, even when the odds are not high that substantial change will happen based on their suggestions.

I see it as a mark of his integrity that Oscar refuses to be drawn into what he evidently believes is public-policy sophistry that obscures the intense power of the forces he describes in *The Panoptic Sort*. In the new Afterword, he sorts through a variety of others' ideas aimed at ameliorating surveillance, privacy, and bias harms that flow from the widespread sorting processes he has described. He doesn't find in any of them credible ways out of the developments he has described. He therefore aligns himself with the pessimism of philosopher Jacques Ellul (1989) in the new edition, as he does in the old. It is a vision that depicts a society where "our deepest instincts and our most secret passions will be analyzed, published, and exploited," with few, if anyone, rebelling against the iniquities these activities cause (Gandy, 2021, p. 260). Oscar admits, "I still find myself unable to deny the possibility, or even the probability, that Jacques Ellul was absolutely right about what our future is likely to bring" (Gandy, 2021, p. 284). Oscar does state that "collective resistance is both possible and necessary if we are to see the development of a sufficiently broad *desire and commitment* to reclaim a future of the kind that we deserve . . ." (p. 284; emphasis added). But I read the emphasis on desire and commitment (rather than on specific action) as a statement about not losing humanistic values amid encompassing powers that work against them.

I personally shift back and forth between pessimism about the ability to push institutional resolutions to these sorts of fundamental problems, and a belief that there are ways to do it. Nevertheless, I find it refreshing that a scholar of depth and humanistic instincts has the courage to acknowledge a worried futility.

### References

- Brownsell, A. (2020, October 29). *Kroger precision marketing SVP Cara Pratt on media's shoppable future, paragraph 15*. Retrieved from <https://www.warc.com/newsandopinion/opinion/kroger-precision-marketing-svp-cara-pratt-on-medias-shoppable-future/3897>
- Ellul, J. (1989). *What I believe* (G. Bromiley, Trans.). Grand Rapids, MI: Eerdmans.
- Gandy Jr., O. H. (2021). *The panoptic sort: A political economy of personal information* (2nd ed.). New York, NY: Oxford University Press.
- Make your media budgets work harder. (2021, September 12). Retrieved from <https://www.8451.com/solutions/kroger-precision-marketing/>
- Turow, J. (2017). *The aisles have eyes*. New Haven, CT: Yale University Press.
- Turow, J. (2021). *The voice catchers: How marketers listen in to exploit your feelings, your privacy, and your wallet*. New Haven, CT: Yale University Press.